

**From:** Gideon Kracov  
**Sent:** Monday, November 17, 2014 10:11 AM  
**To:** Christopher Calfee  
**Subject:** 743 comment

Chris:

As set forth below and during the webinar in September, OPR should clarify that the word “discretion” in new Section 15064.3(c) means just that for CEQA purposes. Discretionary acts trigger CEQA. In other words, OPR should explain that a lead agency that seeks to modify previously adopted CEQA traffic measures must exercise discretion to do so and that **this exercise of discretion triggers CEQA**. See *Katzeff* 181 Cal.App.4th 601 (2010) (re-open the prior approvals or mitigation monitoring plans and make new findings) and *Lincoln Place Tenants* 130 Cal.App.4th 1491 (2005). An initial study should be prepared, etc. to see what level of CEQA review is required.

Thank you for your consideration.

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